IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

Civil Revision No. 4412 of 2001

Date of Decision: 1.11.2006

Pakhar Singh

Petitioner

Versus

Sohan Singh and another

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

Present: **Shri Malkeet Singh and Shri Arun Jain, Advocates for the petitioner**
Shri Sarju Puri Advocate for the respondents

Jasbir Singh, J. (Oral)

On the basis of an agreement to sell dated 23.9.1993 (Ex.P1), the petitioner filed a suit for specific performance, which was decreed on 15.9.1995.

It is apparent from the records that the petitioner had purchased 160/120th share i.e. 8 kanals of land out of khata No.2175/2451 khasra No.203//1, 2, 9 and 10 and 204//3, 4, 5, 6, 7 and 14 total 10 khasra numbers. However, when suit was filed, in plaint, rectangle No.204 was not mentioned. May be due to some inadvertence, khasra Nos.3, 4, 5, 6, 7 and 14 falling in rectangle No.204, were shown to have been part and parcel of

rectangle No.203. After passing of the decree, the petitioner moved an application under Sections 151, 152 and 153 CPC for effecting correction in heading of the plaint and also in the decree sheet. In that application, petitioner made two prayers i.e. (1) that khasra Nos,3, 4, 5, 6, 7 and 14 be shown to have been part and parcel of rectangle of No.204 and (2) that the petitioner be allowed to change his share from 160/1120th to 160/1436th. After contest, the application was dismissed.

It is apparent from the records that so far as prayer of the petitioner, to effect change regarding share is concerned, that has rightly been declined by the Court below. Perusal of agreement to sell Ex.P1 clearly shows that the petitioner had purchased 8 kanals of land i.e. 160/1120th share out of 56 kanals of land and the Court is right to say that if above mentioned share is changed, as prayed for in the application, it would amount to effect change in the agreement to sell, which is not within the jurisdiction of the Court. So far as the change in rectangle No. of khasra Nos.3, 4, 5, 6, 7 and 14 is concerned, no finding is given. As has been discussed above, non-mentioning of rectangle No.204 appears to be inadvertent, as such, it can be termed as a typographical/ clerical error in plaint. The prayer made to that extent will not affect rights of the parties. In view of this, the revision petition is allowed to the limited extent that in the heading of the plaint and in the judgment/ decree sheet, khasra Nos.3, 4, 5, 6, 7 and 14, be shown as part and parcel of rectangle No.204, instead of rectangle no.203.

November 01, 2006 **(Jasbir Singh)**
gk **Judge**